IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 73925-M of 2006

DATE OF DECISION : 01.03.2007

Gulab Singh and others

.... PETITIONERS

Versus

State of Punjab

..... RESPONDENT

Crl. Misc. No. 76732-M of 2006

DATE OF DECISION : 01.03.2007

Paramjit Kaur

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. S.S. Gill, Advocate,
for the petitioners.

Mr. N.S. Gill, AAG, Punjab.

Mr. D.P.S. Kahlon, Advocate,
for the complainant.

This order shall dispose of two petitions i.e. Crl. Misc. No. 73925-M of 2006, filed by Gulab Singh, Baljit Singh and Ajaib Singh, and Crl. Misc. No. 76732-M of 2006, filed by Paramjit Kaur, for the grant of anticipatory bail in case FIR No. 473 dated 25.10.2006 under Sections 406/420 IPC, registered at Police Station Kotwali, Patiala.

On November 27, 2006 and December 08, 2006, interim anticipatory bail was granted to the petitioners subject to their joining investigation.

I have heard counsel for the parties and have gone through the contents of the FIR as well as the order dated 18.11.2006, passed by Sessions Judge, Patiala, whereby bail application of the petitioners has been dismissed.

Counsel for the petitioners contends that as far as the petitioners Gulab Singh, Baljit Singh and Ajaib Singh are concerned, they have not entered into any agreement with the complainant for the sale of land. They are only the attesting witnesses to the agreement which was entered into by their sister Paramjit Kaur petitioner. Counsel further contends that in the FIR, it has been alleged that true facts regarding pendency of the suit were not disclosed by executant of the agreement. In this regard, he submits that it was specifically mentioned in the agreement Annexure P-1 that a suit pertaining to the suit land was pending and in that respect, the vendee shall be responsible. In view of this fact, counsel contends that no fraud was committed by the petitioners at the time of execution of the agreement and they have been falsely implicated.

Counsel for the petitioners further states that in terms of the interim orders dated November 27, 2006 and December 08, 2006, the petitioners have joined the investigation. The State counsel, after having instructions from SI Bakhshish Singh, does not dispute this fact and further states that after investigation, the police while finding the allegations to be not correct, has also prepared the cancellation report.

In view of the above, without commenting on the merits, the interim bail, granted vide orders dated November 27, 2006 and December 08, 2006, passed in Crl. Misc. No. 73925-M of 2006 and 76732-M of 2006, respectively, are made absolute subject to the same terms and conditions.

Disposed of accordingly.

March 01, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**